

## AGENDA

**REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
502/875-8500**

**October 24, 2005  
5:30 P.M. (EDT)**

1. **INVOCATION**

Reverend Jackson Brewer, Frankfort  
First United Methodist Church  
John Hammond

**PLEDGE OF ALLEGIANCE  
ROLL CALL  
SWEARING-IN CEREMONY**

The Oath of Office for J. W. Bryan will be administered by Circuit Judge William Graham.

**MINUTES**

September 9, 2005 Work Session; September 15, 2005  
Special Meeting; September 26, 2005 Regular Meeting;  
October 3, 2005 Special Meeting; October 10, 2005  
Special Meeting; October 10, 2005 Work Session.

**MAYOR'S REPORT**

2. **CEREMONIAL ITEMS**

2.1 Employee Recognition

Background: The Board of Commissioners traditionally recognizes City employees who have received promotions within the various City departments. At this meeting, the following individuals will be in attendance:

Fire Department:

Scott Morgan for promotion to rank of Battalion Chief.  
Kyle Smith for promotion to rank of Captain.  
Ben Boggs for promotion to Lieutenant.  
John Redfern for promotion to Sergeant.

3. **ORDINANCES**

3.1 **SECOND READING:** An Ordinance fixing the rate of taxation for the Year 2006 on all motor vehicles and levying said tax for all city purposes.

Purpose: The purpose of this item is to consider an ordinance to set the tax rate for motor vehicles for the year 2006 at 22.7 cents per \$100 valuation.

Background: The tax rate must be set no later than 10-1-05, as required by the Kentucky Department of Revenue. The tax rate proposed for 2006 is the same rate as approved for 2005.

Recommendation: Approval

Attachments: Ordinance

Contact Person:

Name: Tony Massey

Title: Acting Finance Director/City Manager  
Department: Finance  
Phone: 502/875-8500  
E-Mail: [Amassey@fewpb.com](mailto:Amassey@fewpb.com)

- 3.2 **SECOND READING:** An Ordinance Fixing the Rate of Taxation for the Year 2005 on All Tangible Property Subject to Tax, Trust and Insurance Companies, Public Service Companies and Levying Said Tax for All City Purposes.

Purpose: The purpose of this item is to consider an ordinance setting the tax rate for 2005 Ad Valorem Taxes (allowing 4% increase) and setting the rate for 2005 Insurance Taxable Capital Taxes/.

Background: Proposed rates for 2005 are as follows (for General Fund Purposes):

1. Ad Valorem 19.7 cents
2. Insurance Taxable Capital 15.0 cents

Rates are levied for each \$100 valuation.

The 2004 ad valorem tax rate was set at 19.3 cents.

Financial Analysis: By adopting the above rate, the City will net an additional \$113,146 in general fund revenue. Included in the \$113,146 is \$24,236 derived from new property.

Recommendation: Approval

Attachment: Public Hearing Notice  
Ordinance

Contact Person:

Name: Tony Massey  
Title: Acting Finance Director/City Manager  
Department: Finance  
Phone: 502/875-8500  
E-Mail: [Amassey@fewpb.com](mailto:Amassey@fewpb.com)

- 3.3 **FIRST READING:** An Ordinance Amending Ordinance No. 3, 2004 Series, the Adopted Subdivision and Site Plan Regulations for Frankfort and Franklin County.

Purpose: To amend the City's Subdivision and Site Plan Regulations ordinance to provide the necessary clean-up text amendments, to incorporate comments from public and Frankfort Plant Board, as recommended by the Frankfort/Franklin County Planning Commission and the Subdivision Update Committee.

Background: On November 20, 2003 the Subdivision and Site plan regulations were adopted. After several public work shops with the Subdivision Update Committee and Zoning Update Committee – amendments were recommended to be made to the Subdivision and Site Plan Regulations as well as the Zoning Ordinance in order to remove the inconsistencies.

On November 18, 2004, the Frankfort/Franklin County Planning Commission held a public hearing and took testimony concerning the attached ordinance amendments, then closed the public testimony and tabled the item to allow for the summary to be prepared.

On December 9, 2004, the Frankfort/Franklin County Planning Commission removed the item from the table, held discussions and made the following motions:

1. To change the existing open space requirement from 4% in the urban area to 2% and to change the

existing open space requirement from 8% in the Suburban area to 4% and that the open space requirement would be applicable to subdivisions (residential) with 25 lots or more. (Motion passed by a vote of 6-2)

2. To add language to allow developers to install the driveway aprons at time of construction. (Motion passed by a vote of 7-1)
3. To approve the amended Subdivision and Development Plan Regulations with the two previous motioned changes and their attached zoning ordinance amendments and recommend the City and County agencies to approve the proposed text amendments. (Motion passed by a unanimous vote of 8-0)

On August 22, 2005 the City Commission approved the text amendment to the Zoning Regulations by removing the inconsistencies to the Subdivision and Site Plan Regulations.

At the last Joint Subdivision Update Committee, it was agreed to forward the recommended changes to the Subdivision and Site Plan Regulations with the exception of the open space changes. The open space issue is still under review and the attached amendment does not include any changes to the open space requirements at this time.

Recommendation: Approval

Attachments:

- Executive summary of amendments
- The adopted summary and minutes from the Public Hearing by the Frankfort/Franklin County Planning Commission. (minutes from December 9, 2004)
- Planning Commission report dated November 9, 2004.
- Proposed text amendments in its entirety with strikeout and underline text provided (with no changes made to the open space requirements).

Contact Person

Name: Gary Muller  
Title: Planning and Building Codes Director  
Department: Planning  
Phone: 875-8513  
Email: [gmuller@fewpb.com](mailto:gmuller@fewpb.com)

- 3.4 **FIRST READING:** An Ordinance amending Frankfort Code of Ordinances Chapter 40, Police and Fire Department, Section 40.36 – Same- Fire and Safety Inspector; Fire Training Officer; Section 40.37 Fire Public Education Officer.

Purpose: The purpose of this item is to consider amending the ordinance regarding the pay for these duty assignments not to exceed Battalion Chief's pay grade.

Background: The current ordinance section was adopted in 1989 and established compensation for these positions at rank grade plus nine (9) percent. However it also limits the pay to a maximum of Battalion Chief's pay grade. Until now this stipulation was not an issue. However, the current Training Officer is now being promoted to the rank of Battalion Chief and under the current stipulation he would not be eligible to receive the additional compensation for the Training Officer's duties. Potentially the same problem will exist if a Captain or Battalion Chief is appointed to the position of Fire and Safety Inspector (Fire Marshal).

The current ordinance section 40.37 was adopted in 2002 and established compensation for this position at rank grade plus nine (9) percent. However it also limits the pay to a maximum of Battalion Chief's pay grade. The current Public Education Officer is a Captain, who is not eligible to receive the full 9 percent additional compensation under the current stipulation. If in the future the Public Education Officer is

promoted to the rank of Battalion Chief, he would receive no additional compensation for his duties as Public Education Officer under the current stipulation.

By removing the “not to exceed Battalion Chief’s pay grade” portion of the ordinance this problem will be resolved.

Recommendation: Approval

Attachments: Ordinance

Contact Person

|         |  |  |
|---------|--|--|
| Name:   | Wallace Possich  | John Morrow  |
| Title:  | Fire Chief   | Director   |
| Dept.:  | Fire   | Human Resources  |
| Phone:  | 502-875-8511   | 502/875-8500   |
| E-Mail: | <a href="mailto:wpossich@fewpb.com">wpossich@fewpb.com</a> | <a href="mailto:jmorrow@fewpb.com">jmorrow@fewpb.com</a> |

- 3.5 **FIRST READING:** An Ordinance Amending Frankfort Code of Ordinances, Chapter 37 Personnel; City Employees, Section 37.42 –Same- Pay for Members of Fire and Police Divisions.

Purpose: To consider amending the ordinance to establish the positions of Firefighter I, II, and III.

Background: With the recent elimination of “Roll Back” and related ordinances, rank or position levels need to be established for firefighters to comply with and be similar to those for police officer, i.e., Patrol Officer I, II, and III (FCO 37.42 (B)). Following similar positions and criteria of the Police Division, it is recommended that a Firefighter Recruit be classified as a Firefighter I (Grade 75). After 12 months of satisfactory completion of probation and certification as EMT-B, the position of Firefighter II-EMT would be obtained (Grade 77). Firefighter III-EMT (Grade 78) would be automatically attained after five (5) years of service as a Firefighter II-EMT with the City of Frankfort.

Recommendation: Approval

Attachments: Ordinance

Contact Person

|         |  |  |
|---------|--|--|
| Name:   | Wallace Possich  | John Morrow  |
| Title:  | Fire Chief   | Human Resources Director                                 |
| Dept.:  | Fire   | City Manager   |
| Phone:  | 502-875-8511   | 502-875-8500   |
| E-Mail: | <a href="mailto:wpossich@fewpb.com">wpossich@fewpb.com</a> | <a href="mailto:jmorrow@fewpb.com">jmorrow@fewpb.com</a> |

- 3.6 **FIRST READING:** An Ordinance amending Frankfort Code of Ordinances Section 115.09 to permit the sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants.

Purpose: To consider adopting an ordinance to permit the sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants.

Background: This proposed Ordinance will allow for the sale of distilled spirits, beer or malt beverages or wine by the drink by certain hotels, motels, and restaurants that receive at least 50% of their gross annual income from the sale of food, on Sundays between the hours of 1:00 p.m. and 2:00 a.m. prevailing time the following Monday and the sale of distilled spirits, beer or malt beverages or wine by the drink at private clubs on Sunday between the hours of 1:00 p.m. and 9:00 p.m.

Recommendation: Approval

Attachments: Ordinance

Contact Person:

Name: Rob Moore  
Title: City Solicitor  
Department:  
Phone: 502/227-2271  
E-Mail: [rmoore@hazelcox.com](mailto:rmoore@hazelcox.com)

4. **ORDERS**

None

5. **RESOLUTIONS**

None

6. **CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

- 6.1 To consider approval of Change Order Number 1 with Jordan, Jones & Goulding (JJG) for the design of the liquid oxygen ozone generating system at the Wastewater Treatment Plant. (Sewer Department)

Purpose: The purpose of this item is to approve Change Order Number 1 with JJG for the design of a replacement liquid oxygen ozone generating system.

Background: In January 2005 a contract with JJG was approved by the City Commission to perform design services associated with the replacement liquid oxygen ozone generating system. Upon completion of the design a construction cost estimate was prepared in excess of \$5,000,000. After being requested to make certain modifications to the design, the estimate was still in excess of \$3,000,000.

In September 2005 the contract with JJG was terminated with the understanding that a final change order would be forthcoming. Sewer Department personnel have reviewed the request for additional funding by JJG and are in agreement with the funding request. The Sewer Department will utilize the work performed to date by JJG in our undertaking to complete of the project.

The original contract was \$100,000. Change Order Number 1 is in the amount of \$17,000 for a total contract amount of \$117,000.

Financial Analysis: Funds are available in account 300.68.56550.

Recommendation: Approval

Attachments: Letter from JJG

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.2 To consider authorization to award a contract to Beckman Environmental for installation of a new telemetering system with secure internet monitoring. (Sewer Department)

Purpose: The purpose of this item is to award a contract to Beckman Environmental for installation of a new real time telemetering system with secure internet monitoring at 8 of the sewer departments pump stations located within the Combined Sewer System.

Background: In June 2005 a contract was awarded to Beckman Environmental for Phase I of a project to replace the Sewer Department's antiquated telemetering system with a new real time telemetering system with secure internet monitoring. This selection was based upon evaluation of bids received in response to an Invitation for Bids. Phase II of the project replaced the old telemetering system in 32 Pump stations in the Separate Sanitary Sewer System.

Phase III of the contract will replace outdated and unreliable telemetering at an additional 8 stations located in the Combined Sewer System and will complete the telemetering upgrade. The information collected by the telemetering system will be used to complete the Long Term Control Plan as required by the Division of Water. Bids were not taken for Phase III, due to need to stay with the vendor selected in phase I. However, the prices received from the vendor are comparable with the prices received on the phase I project. The total installed cost of Phase III is \$39,825.

Financial Analysis: Funding is available in the CSO Controls line item in account 300.68.56550.

Recommendation: Approval

Attachments: Proposal

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.3 To consider authorization to declare two Department vehicles surplus through trade in, and to award bids to Countryside Motors for one 2-door Club Cab 2006 Dodge Dakota Pick Up Truck and one 4-door Quad Cab Pick Up Truck. (Sewer Department)

Purpose: The purpose of this item is to declare a 1994 ½ ton pick-up truck and one 1995 ¾ ton utility truck surplus through trade in, and consider a bid award to Countryside Motors for one 2-door Club Cab 2006 Dodge Dakota Pick Up Truck and one 4-door Quad Cab Pick Up Truck.

Background: The 1994 pick-up truck has 176,824 miles and currently gets 8.5 MPG. This particular pick-up truck needs a new transmission. The 1995 pick-up truck has 125,621 miles and gets 6.5 MPG. Both vehicles have substantial body rust and are in constant need of mechanical repair.

The Sewer Department budgeted \$30,000 in the 2005-2006 Budget to replace one utility truck. Based upon the recent increased fuel costs, the Department has evaluated our vehicle usage and fuel consumption. We are requesting approval of the two pick-ups to replace one 1994 ½ ton pick-up truck and one 1995 ¾ ton utility truck. Some minor shifting of vehicles will need to be done within the Department to assure resources are allocated to the employees.

Financial Analysis: Funding is available in the amount of \$30,000 in account 300.68.56550. The 2-door Club Cab cost is \$13,648 and the 4-door Quad Cab cost is \$16,348 using the Kentucky State Price Contract TB377305 for a total of \$29,996. The trade in value of the vehicles will be used to offset the purchase price of the new vehicles.

Recommendation: Approval

Attachments: Proposal

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.4 To consider authorization to enter into a Sewer Extension Contract with CRW, LLC for property located at U.S. 421, Franklin County, Kentucky known as Pine Hill Village. (Sewer Department)

Purpose: To approve a sewer extension contract with owner of Pine Hill Village located at U.S. 421, Franklin County, Kentucky that is zoned for residential development of 95 lots, with improvements including 19 new manholes and 3,704 feet of 8-inch SDR 35 pipe serving lot number 1 through 95.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Richard W. Rodgers, Member, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments: Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.5 To consider authorization to enter into a Sewer Extension Contract with The Condos at Duckers, LLC for property located at The Links at Duckers Lake at U.S. 421, Franklin County, Kentucky. (Sewer Department)

Purpose: To approve a sewer extension contract with The Condos at Duckers, LLC for property located at The Links at Duckers Lake at U.S. 421, Franklin County, Kentucky that is zoned for residential development of a single lot with 91 units, with improvements including 13 new manholes and 2,935 feet of 8-inch SDR 35 pipe.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Jerry Ragland, Member, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved

the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachments: Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.6 To consider rescinding the action of September 26, 2005 directing the Planning Commission to review the design standards draft ordinance and make recommendations or comments within 60 days.

Purpose: The purpose of this item is to rescind the action taken on September 26, 2005 concerning the directing of the Planning Commission to review the design standards draft ordinance.

Background: On September 26, 2005, It was moved by Commissioner Layson, seconded by Commissioner Carter, to send the draft big box design standards ordinance to the Planning Commission for their review, recommend changes or adoption within 60 days.

On October 6, 2005, the Zoning Update Committee (subcommittee of the Planning Commission) discussed the City Commission's direction and the Planning Commission Chair then created a "Commercial Design Standards Committee" to be comprised of representatives from the Chamber of Commerce, Frankfort Tourist Commission, Frankfort Board of Realtors, Architectural Review Board, and all members of the Zoning Update Committee. This committee will hold public meetings to gain input and insight on what the community sees as quality development for large "big box" commercial buildings to then create new minimum design standards.

On October 10, 2005 the Chairperson of the Zoning Update Committee and the Commercial Design Standards Committee, Mr. Sherron Jackson, provided an update to the City Commission, who then determined to rescind the previous action due to the concern of meeting the 60-day timeframe.

Recommendation: Approval

Attachments: None

Contact Person

Name: Gary Muller  
Title: Director of Planning and Building Codes  
Department: Planning and Building Codes  
Phone: (502) 352-2100  
E-mail: [Gmuller@fewpb.com](mailto:Gmuller@fewpb.com)

- 6.7 To consider approval of Cooperation Agreement with Franklin County Fiscal Court for Choateville Phase 2 Sewer Extension Project. (Sewer Department)

Purpose: The purpose of this item is to approve a Cooperation Agreement with Franklin County Fiscal Court for Choateville Phase 2 Sewer Extension Project

Background: Franklin County Fiscal Court has grant funding to begin design and to construct Phase 2 of the Choateville Sewer Extension Project. This system when completed will be turned over to the Frankfort



Sewer Department for operation and maintenance of the system. The Cooperation Agreement will enable the Sewer Department to manage the project to insure that the system installed meets the standards of the Department. Currently Franklin County does not have staff to oversee the project. The Cooperation Agreement has a provision to pay the Frankfort Sewer Department a fee equal to one-percent of the total construction cost of the project to offset labor costs of the Department. The Agreement has been reviewed by both the City and County Attorneys.

Financial Analysis: No cost to City. Franklin County Fiscal Court will pay a fee to Frankfort Sewer Department to manage the project.

Recommendation: Approval

Attachments: Copy of Agreement

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.8 To consider authorization to enter into a contract with Firetec Apparatus Sales to list and market for sale a 1990 Aerial Truck (Fire Department).

Purpose: To consider entering into a contract with Firetec Apparatus Sales to list and market for sale a 1990 Aerial Truck.

Background: The Commission agreed in the fiscal year 2005/2006 budget process to replace a 1990 aerial truck by partially funding the cost in fiscal year 2005/2006 and funding the balance in fiscal year 2006/2007 budget. That funding plan also included selling the 1990 aerial truck with the proceeds from that sale applied to the total cost of the new truck. The truck has been offered for sale for over six months throughout Kentucky on web sites, word of mouth, and direct contact with Fire Chiefs. At this point we have received no interest.

It is important to have a commitment on the purchase of the 1990 truck to be able to commit to a purchase contract on its replacement, as it will take approximately 12 months to build the new one.

Firetec Apparatus Sales is a reputable and established used vehicle broker who advertises nationally and assists in facilitating sales. Their fee is normally 10% of the actual price. However, a flat-rate commission of \$10,000 has been negotiated and agreed to per the attached contract. The truck will be advertised for \$200,000 to leave room for purchase offers in that range, with the expectation of selling it for a minimum of \$180,000.

Financial Analysis: \$10,000 flat-rate commission to be deducted from proceeds of sale.

Recommendation: Approval

Attachments: Firetec Contract

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Dept.: Fire  
Phone: 502-875-8511  
E-Mail: [wpossich@fewpb.com](mailto:wpossich@fewpb.com)

## 6.9 Personnel

| <u>Personnel Action</u> | <u>Employee</u>                 | <u>Department</u>           | <u>Effective Date</u> | <u>Other</u>   |
|-------------------------|---------------------------------|-----------------------------|-----------------------|--|
| Appointment             | James P. Schultze               | Sewer                       | 10-25-05              | Plant Operator Trainee   |
|                         | Mark Craycroft, Firefighter/EMT | Fire                        |                       |  |
|                         | David C. Jones                  | Communications              | 10-25-05              | Telecommunicator   |
| Promotion               | Scott Morgan                    | Fire                        | 10-25-05              | From Captain to Battalion Chief  |
|                         | Kyle Smith                      | Fire                        | 10-25-05              | From Lieutenant to Captain   |
|                         | Ben Boggs                       | Fire                        | 10-25-05              | From Sergeant to Lieutenant  |
|                         | John Redfern                    | Fire                        | 10-25-05              | From Firefighter/EMT to Sergeant   |
| Retirement              | Gary Lynn                       | Planning and Building Codes | 10-31-05              | Electrical Inspector, authorize payment of all accrued vacation and comp time. |
|                         | Donald Baker                    | Streets/Public Works        | 11-30-05              | Tech III, authorize payment of all accrued vacation and comp time              |

\*Conditional Offer of Employment  
William G. King, Patrol Officer

\*Contingent upon successful completion of physical, psychological, polygraph and drug screen examinations.

## 7. BOARD APPOINTMENTS

## 8. OLD BUSINESS

None

## 9. NEW BUSINESS

- 9.1 To consider authorization to seek Requests for Proposals for the proposed aquatic facility (Parks, Recreation and Historic Sites).

Purpose: To authorize the Department of Parks, Recreation and Historic Sites to seek bids for consulting services for the proposed family aquatic facility.

Background: Currently, funding is available in the Capital Improvement Budget to hire a consultant for the new proposed family aquatic facility. Under the scope of work, the consultant will assist with evaluation of potential sites, as well as develop preliminary design concepts.

Financial Analysis: \$150,000 is available in the current Capital Improvement Budget for this contract.

Recommendation: Approval

Attachments: None

Contact Person:

Name: Steve Brooks

Title: Director

Department: Parks, Recreation and Historic Sites

Phone: 502/352-2029

E-Mail: sbrooks@fewpb.com

## 10. CITIZEN COMMENTS (Non-agenda items)

## 11. COMMISSIONER COMMENTS

## **12. ADJOURNMENT**